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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 10/697,110   | 10/31/2003  | Bor Yann Chuang      | BHT-3117-159               | 8449             |
| 7590 08/05/2004<br>TROXELL LAW OFFICE PLLC<br>SUITE 1404<br>5205 LEESBURG PIKE<br>FALLS CHURCH, VA 22041 |             |                      | EXAMINER<br>NGUYEN, DUNG V |                  |
|  |             |                      | ART UNIT<br>3723           | PAPER NUMBER     |

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/697,110

Applicant(s)

CHUANG, BOR YANN

Examiner

Dung V Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: typo errors, page 1, line 1, "RECIPROCATING DEVICE FOR A POLLISHING ROLLER OF AN EMERY-POLISHING MACHINE" should be "RECIPROCATING DEVICE FOR A POLISHING ROLLER OF AN EMERY-POLISHING MACHINE"; page 3, line 5, "box 10" should be "base 10"; line 8, "roller 20" should be "roller 30"; line 10, "spindle 4" should be "spindle 41". Appropriate correction is required.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: typo error, line 14, "present" should be "preset". Appropriate correction is required.

3. Claims 4 and 5 are objected to because of the following informalities: improper transitional phrases. Claim 1 recites "A reciprocating device ... consisting of ..." and claim 4 recites "wherein said reciprocating device consists of" and claim 5 recites "wherein said reciprocating device further includes", a claim which depends from a claim "consisting of" the recited elements or steps cannot add an element or step as stated in MPEP 2111.03. Appropriate correction is required. The transitional term "comprising" should be used in order for other elements to be added.

### ***Allowable Subject Matter***

4. Claims 1-5 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

5. The following is a statement of reasons for the indication of allowable subject matter: prior art of record considered as a whole alone or in combination neither anticipates nor renders obvious, a rotating shaft, a sway member fixed eccentrically on an upper surface of the rotating shaft so as to interacting with the shaft of the connect device for reciprocating sidewise the polishing roller, in combination with the rest of the limitations in claim 1.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bernstein, Yan and Chuang are cited to show reciprocating device.

7. This application is in condition for allowance except for the following formal matters: Claim objection due to typo errors and improper transitional phrases.

8. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

9. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DVN  
August 2, 2004

  
**DUNG VAN NGUYEN**  
**PRIMARY EXAMINER**